

**Confirmed Minutes of the 86th Meeting of the
Environmental Impact Assessment Subcommittee of
the Advisory Council on the Environment
held on 21 June 2004 at 4:00pm**

Present:

Mr. Otto POON, BBS (Chairman)
Mr. Peter Y C LEE
Dr. NG Cho-nam
Mrs. Mei NG, BBS
Prof. POON Chi-sun
Miss Petula POON (Secretary)

Absent with Apology:

Prof. HO Kin-chung (Deputy Chairman)
Prof. WONG Tze-wai

In Attendance:

Mr. Elvis AU	Assistant Director (Environmental Assessment & Noise), Environmental Protection Department (EPD)
Mr. C C LAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr. Eddie CHENG	Executive Officer (E), Environment, Transport and Works Bureau (ETWB)

In Attendance for Agenda Item 3:

Mr. Simon HUI	Principal Environmental Protection Officer (Assessment & Audit), EPD
Mr. YUEN Wang-cheong	Senior Environmental Protection Officer (Assessment & Audit) ⁴ , EPD
Mr. CHAU Wai	Acting Senior Environmental Protection Officer (Noise Management & Planning) ⁴ , EPD
Mr. Patrick LAI	Senior Conservation Officer /Technical Services, AFCD
Mr. Alan CHAN	Senior Marine Conservation Officer (East), AFCD

Action

Agenda Item 1: Confirmation of Minutes of the 85th Meeting held on 17 May 2004

Members confirmed the draft minutes without amendments.

Agenda Item 2: Matters Arising

Para. 30: Visit to the Lok Ma Chau Ecological Compensation Area

2. The Secretary reported that according to KCRC, several types of the target species of the Lok Ma Chau Ecological Compensation Area were migratory birds and would only appear in the area during the winter season. After discussion, the Subcommittee agreed to defer the visit to September/October.

Agenda Item 3 : Environmental Impact Assessment Ordinance – Guidance Notes

(ACE-EIA Paper 5/2004)

3. The Chairman welcomed the presentation team to the meeting. Mr. Elvis Au and Mr. Simon Hui outlined the background of the guidance notes on the EIA process. Mr. Chau Wai, Mr. Patrick Lai and Mr. Alan Chan briefed Members on the Guidance Notes on “Preparation of Construction Noise Impact Assessment under the Environmental Impact Assessment (EIA) Ordinance”, “Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys” and “Methodologies for Marine Ecological Baseline Surveys” respectively. Members welcomed the Guidance Notes as they would help enable project proponents and stakeholders in better understanding the requirements of the EIA process.

Guidance Note on Preparation of Construction Noise Impact Assessment under the EIA Ordinance

4. A Member said that the identification of noise sensitive receivers was one of the major problems in noise impact assessment, as some affected locations might be omitted. He asked whether there was a guidance note on that aspect. In response, Mr. Chau Wai said that the identification of noise sensitive receivers was addressed in the EIA Ordinance Technical Memorandum and would be further elaborated in the study brief of each project. The guidance note described how to determine the area of assessment. For efficiency and cost effectiveness purpose, project proponents would usually identify representative noise sensitive receivers instead of all noise sensitive receivers to assess the noise impact of the project. The Member suggested drafting a guidance note on the identification of noise sensitive receivers, and Mr. Elvis Au agreed to consider the suggestion.

EPD

5. A Member pointed out that a comprehensive guidance note on noise impact assessment which incorporated all relevant subjects would be more convenient than having separate notes on different aspects. In response, Mr. Elvis Au said that the objective of the guidance notes was to supplement the Technical Memorandum using the experience sharing approach. It would be most ideal if a comprehensive guidance note covering all aspects of the EIA process could be drawn up but due to resource and time implications, EPD and AFCD had to compile the notes on a step-by-step approach. In fact, each guidance note was discussed at the relevant user groups and where appropriate, the profession concerned would be consulted. The consultation process had served to enhance two-way communication and sharing of good practice/experience with relevant user groups. Hence, it would be impracticable to produce a comprehensive guidance note at one go.

6. The Chairman asked whether the guidance notes would be incorporated into the Technical Memorandum. In response, Mr. Elvis Au explained that the Technical Memorandum set out the statutory requirements of the EIA Ordinance. The guidance notes, however, were meant for experience sharing and included specific examples. The guidance notes served as supplementary information to the Technical Memorandum, and there was no plan to incorporate them into the Technical Memorandum.

7. In response to a Member's question, Mr. Simon Hui explained that assessment of the noise impact of construction works during restricted hours in an EIA study was not necessary because such works were controlled under the Noise Control Ordinance. Separate assessments would be made when the project proponent applied for a permit for such operations under the Noise Control Ordinance. In general, project planning should aim at avoiding construction works during restricted hours as far as practicable. Mr. Chau Wai added that the noise standards during restricted hours were more stringent, and normally applications would not be approved unless there were special reasons for not performing the work during non-restricted hours. In his views, most noisy works during restricted hours could be avoided by proper planning.

8. A Member pointed out that the background noise level of some projects could exceed 75 dB(A). The noise criterion would not be meaningful in those cases. In response, Mr. Simon Hui explained that the 75 dB(A) criterion was defined in Annex 5 of the Technical Memorandum. On the basis of the spirit of the Technical Memorandum that each case would be considered on its own circumstances, the 75 dB(A) criterion would be considered together with other factors such as the background noise level. Furthermore, according to paragraph 4.3.1c of the Technical

Memorandum, the noise impact assessment should include, among other things, a comparison of the existing or projected environmental conditions without the project in place and the projected environmental conditions with the project in place.

9. A Member pointed out that some busy roads were adjacent to residential buildings, causing serious disturbances to the residents. He hoped that more noise barriers could be erected to help relieve the problem. Another Member expressed concerns on the side effects of certain noise barriers, for example, the visual impacts of the noise barriers in Tolo Highway, and the inconvenience caused to shop operators in Mody Road. In response, Mr. Simon Hui said that according to the Technical Memorandum, the side effects of mitigation measures should also be considered in EIA studies. Mr. Chau Wai supplemented that although the visual impacts of noise barriers had not been specifically mentioned, the space and safety requirements in erecting a noise barrier were included in the Technical Memorandum. Mr. Elvis Au indicated that they would revise the guidance note to remind project proponents of the need to consider the side effects of noise barriers when suitable opportunities arose.

EPD

10. A Member asked how noise sensitive receivers would be notified of the delay of relevant works project. In reply, Mr. Chau Wai said that although there was no such requirement in the EIA Ordinance, there were a number of ways whereby the sensitive receivers would be informed of the progress or the delay of a project either directly or indirectly. If a project was delayed and works had to be conducted in restricted hours, short-term notice to the affected residents would be required as a condition of the construction noise permit issued under the Noise Control Ordinance. Such permits were seldom issued unless there were special reasons. As regards the extension of the daytime work period, the change would normally be relayed to the public indirectly through relevant groups concerned or District Councils. The contractors might liaise with local residents or sensitive receivers and keep them informed. The most common practice was the posting of a notice on the work site. As long as the work nature remained unchanged, the noise impact should be acceptable even if the work duration had been extended. Mr. Simon Hui supplemented that websites would normally be set up for major projects. The public could gain access to the progress of the projects through the websites.

Guidance Note on Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys and Guidance Note on Methodologies for Marine Ecological Baseline Surveys

11. A Member asked whether there were guidance notes on the sampling efforts required for baseline surveys. In response, Mr. Patrick Lai said that in guidance note GN 7/2002, there were guidelines on sampling efforts such as the duration and the frequency required for the survey and the specific species groups to be covered. The important point was that appropriate methodologies should be applied to ensure that baseline data collected was accurate and representative. Mr. Elvis Au supplemented that sampling requirements were usually included in the study brief of each project.

12. A Member said that although the radio tracking and mist netting methods mentioned in the guidance note would rarely be used, it might still be necessary to apply them in cases direct bird observation was impractical. Some project proponents applied simpler methods and rare species might be overlooked in their surveys. In response, Mr. Patrick Lai said that the techniques of the two methods were potentially intrusive to the target species. They should only be applied under very special circumstances where there was a justified need, and direct observation was impractical. Furthermore, the methods could only be practised by qualified persons. They were included in the note for the sake of completeness, and their limitations were highlighted.

13. Mr. C C Lay supplemented that AFCD was carrying out territory-wide ecological survey and was in a position to judge the methods of surveys that would be required for gathering representative ecological baseline data and whether the findings were acceptable. The Chairman and a Member agreed that while the consultants would do their best in ecological baseline surveys, they might not be able, due to resource constraints, to adopt more comprehensive survey methods unless they were required specifically by the study brief. In response, Mr. Lay said that the point count and transect count methods were reliable and commonly applied methods for bird surveys. Mr. Lay added that, although mist netting and radio tracking would not be completely ruled out, they should not be used in EIA studies in Hong Kong unless other less intrusive methods were considered impracticable. Mr. Patrick Lai elaborated that mist netting was usually adopted to gather demographic information of bird populations and to monitor the long-term changes which were normally not required for baseline studies in ecological impact assessment.

14. In response to a Member's question on standardization of the survey methods, Mr. Patrick Lai said that no single survey method could meet the requirements of all habitats or species. It was necessary for the consultants to review the special requirements of the habitats and species in question and, based on their professional judgment, apply a suitable

Action

survey method for the EIA study. In all cases, the details of the survey methods adopted should be clearly stated in the EIA reports. Mr. C C Lay said that the methods mentioned in the guidance note were standardized methods accepted by ecologists and specialists.

15. A Member suggested that works projects in the same location should be coordinated to reduce the impact to pedestrians. In response, the Chairman said that the guidance note would not be an appropriate means to tackle that problem.

16. A Member suggested drawing up a guidance note on the presentation of EIA reports. In response, Mr. Elvis Au said that Annex 20 of the Technical Memorandum had set out some guidelines on the presentation of EIA reports. He agreed with the Member that more could be done to improve the presentation of EIA reports and EPD encouraged project proponents to use 3-dimensional presentation tools to make assessment data more readily comprehensible. In addition, the EPD cyber help bench had included examples on the presentation of EIA reports.

EPD

17. The Chairman thanked the presentation team.

Agenda Item 4 : Monthly Updates of Applications under Environmental Impact Assessment Ordinance

18. Members noted the updates.

Agenda Item 5 : Any Other Business

Tentative items for discussion at the 87th meeting

19. The Chairman informed Members that according to the tentative schedule provided by EPD, there was no EIA report scheduled for the next meeting to be held on 19 July 2004. The Secretariat would liaise with EPD nearer the time and notify Members in due course.

E-mail from a non-Subcommittee Member of ACE

20. The Chairman referred Members to an e-mail received from a non-Subcommittee Member of ACE regarding the Sunnyville Estate development project in Nam Sung Wai and Humphead Wrasse. Members noted that the project had been selected for discussion at future meetings. However, since it was not a designated project under the EIA Ordinance, it was not subject to the control of that Ordinance, and the project proponent was not required to present the environmental

Action

assessment report to the EIA Subcommittee. Nonetheless, Members agreed that if the environmental assessment report of the project were ready, the Subcommittee would invite the project proponent to present it to Members. It was also agreed that the Secretary should liaise with the relevant department on the progress of the report and inform the Council Member in due course. Mr. C C Lay informed Members that as far as he was aware, the environmental assessment report was not yet finalised.

Secretary

Agenda Item 6: Date of Next Meeting

21. The next meeting would be held on 19 July 2004.

**EIA Subcommittee Secretariat
June 2004**